Court NO.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO.4400 of 2001 (S/S)

State of Uttaranchal through Executive Engineer, Lakhwar Dam Construction Division-I, Dak Pathar, Dehradun.

..... Petitioner

Versus

1. Presiding Officer, Labour Court, Dehradun, Uttaranchal.

2. Shri Mahendra Singh Rana, S/o Shri Taka Singh through B.D. Tyagi, 16-A Rajpur Road, Dehradun.

..... Respondents.

Learned Standing Counsel for the petitioner,
Sri Manoj Tiwari, learned counsel for the respondent No.2 .

Dated: 23rd Sept., 2005

Hon'ble P.C. Verma, J.

This petition has been filed by the petitioner challenging the award dated 31.08.2000 passed by Labour Court, Dehradun under Sec. 33-C (2) of the Industrial Disputes Act, 1947 in Misc. case No. 168 of 2000, Contained in Annexure No.2 to the writ petition.

2. Brief facts of the case, according to the petitioner, are that an application was filed by the respondent No.2/workman under Section 33-C (2) of the Industrial Disputes Act, 1947 for fixation of pay and for payment of arrears of revised pay according to Government Order dated 31.12.1997. The learned Labour Court after considering the case of the applicant/ respondent No.2 allowed the application under Section

33-C (2) of the Industrial Disputes Act and directed the petitioner not to deduct Rs. 240/- per month from his pay and fixed the pay of the respondent No.2 Rs. 3020/- per month as on 1.2.2000 in the light of Government Order dated 31.12.1997 alongwith cost of Rs.200/-. Feeling aggrieved, this writ petition has been filed.

3. I have heard the learned counsel for the parties and perused the material on record.

4. Before the Labour Court the petitioner has alleged that the pay of the respondent No.2 has wrongly been fixed at the time of implementation of the Government Orders. The Labour Court has held that the basic pay of the respondent No.2 was rightly fixed at Rs. 3020/- in the on 1.2.2000 and the Executive Engineer passed arbitrary orders fixing the pay of the respondent No.2 at Rs. 2780/- which is absolute disregard of the orders passed by the Engineer-in-Chief. It was further held by the Labour Court that the pay of the respondent No.2 was fixed according to the procedure given in Government Order dated 31.12.1997. I find no illegality or perversity in the impugned award.

5. In view of above finding recorded by the Labour Court, I do not find any force in the writ petition. The Labour Court has recorded the finding of fact, which requires no interference.

6. The writ petition is devoid of merit and is dismissed. No order as to costs.

(P.C. Verma, J.)

23.09.2005
P.Singh